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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/496,222 02/01/00 PHILYAW

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025883 TM02/1022
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EXAMINER

KANG, P

ART UNIT

PAPER NUMBER

2152

DATE MAILED:

14
10/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

SM

Office Action Summary

Application No.

09/496,222

Applicant(s)

PHILYAW ET AL.

Examiner

Paul H Kang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 July 2001.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. Claims 22 and 24 are rejected under 35 U.S.C. 102(e) as being anticipated by Hudetz, US Pat. No. 5,978,773.

3. As to claim 22, Hudetz teaches a method for obtaining information regarding the source of a product from a remote information source location on a global communication network utilizing a product code associated with the product and unique thereto, comprising the steps of:

scanning the product code associated with the product with a scanner at a user location on the global communication network to extract the information contained in the unique product code therefrom (abstract and col. 3, line 17 – col. 4, line 30);

associating a unique scan ID code with the scanning operation (a predetermined address of the database is associated with the scanning operation to automatically link to the database; col. 7, lines 43-57);

assembling a packet of information comprised of the extracted product code and the unique code to provide a routing packet (col. 7, line 29 – col. 8, line 46); and

connecting to the remote information source location utilizing the routing packet and in response to the step of scanning, wherein the routing packet is representative of the location of

the remote information source location on the global communication network through an association with a routing table (col. 7, line 29 – col. 8, line 46).

4. As to claim 24, Hudetz teaches a UPC product code (abstract).

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 23, 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz in view of Citron et al., US Pat. No. 5,288,976.

7. As to claim 23, Hudetz teaches the invention substantially as claimed. However, Hudetz does not explicitly teach a unique scan ID code which is an ID code that is associated with the scanner which is utilized in the step of scanning. In the same field of endeavor, Citron teaches the use of bar codes, upon scanning the barcode, a unique scan ID code and other data is transmitted to the server (Citron, col. 4, line 58 – col. 6, line 10). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated using a unique scan ID as taught by Citron into the system of Hudetz for the purpose of increasing the efficiency of user authentication, data processing and data retrieval.

8. As to claim 28, Hudetz-Citron teaches providing a unique scanner having associated therewith the unique scan ID code; and scanning the product code with the provided scanner to extract information therefrom, the step of scanning operable to incorporate the step of associating the unique scan ID code with the scanning operation such that the step of scanning also results in the output of the routing packet (Hudetz, col. 7, line 29 – col. 8, line 46 and Citron, col. 4, line 58 – col. 6, line 10).

9. Applicant's arguments filed July 26, 2001 have been fully considered but they are not persuasive. The applicant argued in substance that the prior art of record does not teach “the second step (‘associating a unique scan ID code *with* the scanning operation...’ (*emphasis added*)) nor the third step (‘assembling a packet...’) as recited in Applicants’ Claim 22 are disclosed in the reference. First, in the reference, the link to the database (60) is established *before* the scanning step is performed. Therefore the ‘predetermined address of the database’ mentioned by the Examiner is *not* associated *with* the scanning while the scanning is performed and the reference disclosure cannot be said to teach the ‘associating’ step as recited in Claim 22... Second, the reference does not teach the step of ‘assembling a packet of information... to provide a routing packet;’ rather, in the reference at the cited passage, a user enters UPC (46) in response to the display of a query page. Upon entry of the UPC (46), it is transmitted to the database (60) (over a link established *before* the display of the query page and *before* the entry of the UPC) which then looks up records associated with this particular UPC...”

The applicants’ arguments regarding the steps associated with accessing the database is merely a portion of the steps required to link the user to the remote information source location.

The applicants' arguments regarding the steps associated with accessing the database is merely a portion of the steps required to link the user to the remote information source location. Hudetz, in the passage cited in the Office action, teaches generating a routing packet, assembled from UPC data scanned or entered by the user and URL information for the remote information source location returned from the remote database. Upon scanning the product information, the system performs various steps required to link to the remote database server to obtain relevant routing information in order to generate a routing packet to route the user to the remote information source. Therefore, the sequence in steps of when the system links to the remote database is irrelevant. It is, however, relevant to the claimed invention that Hudetz teaches a system wherein a product code is scanned at the user location, URL data obtained from the database is used to assemble a packet of information, and the user is connected to the remote information source location using the assembled packet of information.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Rinehart can be reached on (703) 305-4815. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-9731 for regular communications and (703) 305-3900 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.


Paul H Kang
Examiner
Art Unit 2152

October 22, 2001

MEHMET B. GECKIL
PRIMARY EXAMINER

Meht Geckil